

Application No. 10/826,042  
Response to Office Action

Customer No. 01933

### R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

### THE SPECIFICATION

The specification has been amended to describe Figs. 4 and 5 more accurately in the Brief Description of the Drawings, as required by the Examiner. No new matter has been added.

In addition, it is noted that the term "V-shaped" is no longer used in the claims.

Accordingly, it is respectfully requested that the amendments to the specification be approved and entered, and that the objection to the specification be withdrawn.

### THE CLAIMS

Claim 1 has been amended to clarify the features of the present invention whereby the area-light source directs light towards two irradiation regions corresponding respectively to a right field of view and a left field of view, whereby the eye pieces are a right eye piece having the right field of view and a left eye piece having the left field of view, and whereby the adjusting unit is provided between the area-light source and the sample and has a notch with a width that changes in a predetermined manner along the two irradiation regions. See, for example, the

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disclosure in the specification at page 5, line 3 to page 6, line 25.

In addition, claim 14 has been amended to be rewritten in independent form based on clarified amended independent claim 1.

Still further, claims 1, 2, 5, 8, 9 and 12-16 have been amended to correct some minor informalities to put them in better U.S. form. The informalities pointed out by the Examiner have been corrected.

Finally, new independent claim 17 has been added based on amended independent claim 1.

No new matter has been added, and it is respectfully requested that the amendments to claims 1, 2, 5, 8, 9 and 12-16 and the addition of claim 17 be approved and entered.

#### THE PRIOR ART REJECTION

Claims 1-7, 9-11 and 13-16 were rejected under 35 USC 102 or under 35 USC 103 as being anticipated by or obvious in view of EP 1 008 884 ("Osa et al"), and claims 8 and 12 were rejected under 35 USC 103 as being obvious in view of the combination of Osa et al and USP 4,673,260 ("Steinberg"). These rejections, however, are respectfully traversed with respect to the claims as amended hereinabove.

According to the present invention as recited in clarified amended independent claim 1, the area-light source directs light

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towards two irradiation regions corresponding respectively to a right field of view and a left field of view, and to observe the sample, right and left eyepieces are provided that have the right and left fields of view, respectively. According to the present invention as recited in amended independent claim 1, moreover, the fields of view of the eye pieces are aligned in a direction perpendicular to an optical axis of the area light, and an adjusting unit is provided between the area-light source and the sample, and includes a notch that extends in the direction perpendicular to the optical axis of the area light and that has a width which changes in a predetermined manner along the two irradiation regions. Thus, as recited in claim 1, an amount of the area light passing through each of the fields of view is adjustable by moving the adjusting unit in the direction perpendicular to the optical axis of the area light.

New independent claim 17 recites subject matter similar to the subject matter of clarified amended independent claim 1.

And amended independent claim 14 recites that the adjusting unit includes a notch that is tiltable with respect to the area-light source, wherein a width between sides of the notch changes continuously, and wherein an amount of the area light passing through the sample from the two irradiation regions is adjusted by moving the adjusting unit.

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With the structure of the claimed present invention, the amount of light that passes through one irradiation region is different than the amount of light that passes through the other irradiation region, in accordance with the position of the adjusting unit. That is, since the width of the notch changes in a predetermined manner along the two irradiation regions (as recited in claims 1 and 17) or continuously (as recited in claim 14), when the adjusting unit is moved in the direction perpendicular to the optical axis or when the adjusting unit is tilted, the amount of light that passes through one irradiation region is different from the amount of light that passes through the other irradiation region. Accordingly, the right and left fields of view of the right and left eyepieces can be adjusted to receive different amounts of light.

It is respectfully submitted that neither Osa et al nor Steinberg discloses, teaches or suggests the above described structural features and advantageous effects of the present invention as recited in amended independent claims 1 and 14 and new independent claim 17.

Indeed, it is respectfully pointed out that Osa et al and Steinberg both disclose adjusting an amount of light by partially shielding light that is shared by the right and left fields of view. Thus neither Osa et al nor Steinberg discloses a structure

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in which the light for the left and right fields of view can be adjusted, wherein the left and right fields of view receive different light amounts.

Accordingly, it is respectfully submitted that even if Osa et al and Steinberg were combinable in the manner suggested by the Examiner, the structural features of the present invention as recited in amended independent claims 1 and 14 and new independent claim 17 would still not be achieved or rendered obvious.

Accordingly, it is respectfully submitted that amended independent claims 1 and 14 and new independent claim 17, as well as each of claims 2-13, 15 and 16 depending from claim 1, all clearly patentably distinguishes over Osa et al, taken singly or in combination with Steinberg, under 35 USC 102 as well as under 35 USC 103.

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In view of the foregoing, entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

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If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

  
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